

## **REMARKS**

The above-identified application is United States application serial number 10/633,272 filed on July 31, 2003. Claims 1-5 and 14-36 are pending in the application. Claims 1-5 and 14-36 are rejected.

### **Rejection of Claims under 35 U.S.C. §112**

Claims 1-5, 28 and 30-36 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement, and under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended Claims 1, 5, and 28 to recite "at least two pleats", similar to claims 14 and 19. Entry of the amendments and removal of the rejections under 35 U.S.C. 112, first and second paragraphs, is respectfully requested.

### **Rejection of Claims under 35 U.S.C. §102**

Claims 1, 3, 4, 5, 28, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilkes (US 5,549,388). Independent Claim 1 recites "a back panel having at least one pleat, a first section, and a second section wherein said second section is capable of expanding more than said first section, and said at least one pleat forms an inverted "V" shape; and a front panel connected to said back panel to form a cavity adjacent to said second section".

In contrast, Wilkes discloses a heat weld (14), not a pleat, to form an inverted V-shape. The word "pleat" is defined at least in paragraph [0013] of the specification as "folds of even width made by doubling the material upon itself". Webster's online dictionary (<http://www.merriam-webster.com/cgi-bin/dictionary>) defines the word "pleat" as "a fold in cloth made by doubling material over on itself." Thus, the heat weld does not form the pleat in Wilkes. The pleat (material doubled over on itself) in Wilkes remains straight up and down and does not form an inverted V-shape. Claim 1 is distinguishable from Wilkes for at least these reasons.

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson *et al.* (US 3,934,631) (hereinafter "Wilson"). Taking into account the features of Claim 1 and the definition of the word "pleat" above, Wilson fails to teach or suggest a pleat that forms an

inverted "V" shape. The pleat in Wilson is straight up and down, while the shape of the hanger defines the inverted V-shape. Claim 1 is distinguishable from Wilson for at least these reasons.

Claims 2-5 and 32-36 depend from Claim 1 and include features that further distinguish them from the prior art. Allowance of Claims 1-5 and 32-36 is respectfully requested.

Claims 14-16, 18-21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cappy *et al.* (US 5,743,460) (hereinafter "Cappy"). This rejection is traversed in view of the amendments to independent Claims 14 and 19 to include the features of respective dependent claims 17 and 22 (now canceled), specifically "said first pleat and said second pleat form an inverted "V" shape." Claims 14 and 19 are distinguishable from the cited references for at least these reasons.

Claims 15-16 and 18 depend from Claim 14 while Claims 20-21 and 23 depend from Claim 19 and include features that further distinguish them from the prior art. Allowance of Claims 14-16, 18, 20-21, and 23 is respectfully requested.

#### **Rejection of Claims under 35 U.S.C. §103**

Claims 1-5, 14-32, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milstein (US 4,630,312). In paragraph 8 of the Office Action, the Examiner admits that Milstein does not disclose or suggest the at least one pleat or the first and second pleats forming an inverted V shape, and does not cite a second reference as teaching these features. The pleat(s) with the inverted V-shape distinguish Claims 1-5, 14-32, 35, and 36 from all of the cited references, including Cappy, Wilkes, Wilson, and Milstein, alone and in combination, as further explained hereinabove. Allowance of Claims 1-5, 14-32, 35, and 36 is respectfully requested.

### **CONCLUSION**

The application, including Claims 1-5 and 14-16, 18-21, and 23-36 is believed to be in condition for allowance and a notice to that effect is solicited. Should any issues remain that might be subject to resolution through a telephone interview, the examiner is requested to telephone the undersigned at (949) 350-7301.

I hereby certify that this correspondence is being transmitted to the USPTO on the date shown below:

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October 18, 2006  
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